

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NIKKI DEANN GRAHAM,

Defendant.

CR-18-71-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 20, 2024. (Doc. 60.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 18, 2024. (Doc. 55.) The United States accused Nikki Graham (Graham) of violating the conditions of

her supervised release by: (1) failing to follow her probation officer's instructions on how and when to report to her probation officer by failing to call the probation office as directed on January 24, 2024; (2) on January 24, 2024, allegedly committing another state crime, namely escape, a felony, by purposely eluding official detention, leaving the Butte Pre-Release residential re-entry program without permission or authority to do so; and (3) failing to refrain from the unlawful use of a controlled substance by admitting on January 24, 2024 that she had used suboxone on multiple occasions. (Doc. 50.)

At the revocation hearing, Graham admitted that she had violated the conditions of her supervised release by: (1) failing to follow her probation officer's instructions on how and when to report to her probation officer by failing to call the probation office as directed on January 24, 2024; and (3) failing to refrain from the unlawful use of a controlled substance by admitting on January 24, 2024 that she had used suboxone on multiple occasions. Judge Johnston dismissed alleged violation 2 on the Government's motion. (Doc. 55.)

Judge Johnston found that the violations Graham admitted proved to be serious and warranted revocation, and recommended that Graham receive a custodial sentence of 14 months with no supervised release to follow. (Doc. 60.) Graham was advised of her right to appeal and her right to allocute before the undersigned and waived those rights. (Doc. 55.) The violations prove serious and

warrants revocation of Graham's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc.60) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Nikki Deann Graham be sentenced to the custody of the United States Bureau of Prisons for a period of 14 months with no supervised release to follow.

DATED this 20th day of June, 2024

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court